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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,453	04/04/2006	Koen Johanna Guillaume Holtman	NL031211US1	9324
24737	7590	05/26/2010	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			HARVEY, DAVID E	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2621	
MAIL DATE	DELIVERY MODE			
05/26/2010	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/574,453	HOLTMAN, KOEN JOHANNA GUILLAUME
	<b>Examiner</b>	<b>Art Unit</b>
	DAVID E. HARVEY	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2010.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,8,9,11 and 13 is/are rejected.
- 7) Claim(s) 2-7,10,12 and 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/17/2010</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

Art Unit: 2621

**1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2001/0016114 to Van Gestel et al in view of US Patent #5,930,450 to Fujita.**

**I. Preface:**

The examiner notes that lines 21 and 22 of claim 1 indicate that the physical addresses of the auxiliary blocks are “***within or near***” the range of physical addresses used to store the real-time data stream. The examiner maintains that the alternative expression “***or near***” is a relative expression that, given its normal meaning, broadly encompasses data stored at physical addresses on the same disk; i.e., the physical addresses of a given disk are always, i.e., in a relative sense, “near” each other.

**II. The showing of Van Gestel et al.:**

As shown in Figure 10, Van Gestel et al discloses a device for recording real-time information that comprises:

- a) A ***recording means*** (e.g., @117);
- b) A ***control means*** (@ 125) which includes:
  - 1) ***Addressing means*** (@ 137); and
  - 2) ***Allocation means*** (e.g., the memory that holds the addressed “map” (i.e. not shown in the Figure))

**[Note paragraph 0065]**

**III. Differences:**

Claim 1 differs from the showing of Van Gestel et al only in that Van Gestel et al does not describe the recited “auxiliary data means”.

**IV. Obviousness:**

Fujita has been cited because, as illustrated via Figure 4, it evidences that it was known in the video recording art for auxiliary “program related” information (e.g., @ 26, 27, 70, and 73) to have been generated (i.e., by an “**auxiliary data means**”) and recorded on the recording medium at physical address locations which lie outside the range of addresses allocated to the real-time video stream (e.g., @ 72), but are located “near” thereto [See Figure 4]; i.e. wherein the “auxiliary information” in Fujita corresponds to management information that is generated by the “auxiliary data means” of the recorder and recorded, with the video data, on the recording medium.

As evidenced by the showing of Fujita, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have “modified” the recording circuitry shown in Figure 10 of Van Gestel et al with “**auxiliary data means**” for generating “system data” to be recorded on an physical area of the recording medium adjacent/“near” the physical area used to record the video information; e.g., the system information representing that which is conventionally required by a recorder/player to locate and reproduce streams of information corresponding to user selected titles.

**3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2001/0016114 to Van Gestel et al in view of US Patent #5,930,450 to Fujita for the same reasons that were set forth above for claim 1.**

**4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2001/0016114 to Van Gestel et al in view of US Patent #5,930,450 to Fujita for the same reasons that were set forth above for claim 1. Additionally:**

The examiner takes Official notice that it was notoriously well known in the recording art to have used the address “allocation means” to allocate logical and physical addresses so as to avoid bad blocks [e.g., note lines 15-29 on page 1 of the instant specification].

**5. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2001/0016114 to Van Gestel et al in view of US Patent #5,930,450 to Fujita for the same reasons that were set forth above for claim 1.**

6. US Patent #5,715,418 to Atsatt et al. has been cited because it describes details of a conventional logical/physical address space allocation circuitry [e.g., note lines 23-34 of column 5]

7. Claims 2-7, 10, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsha D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

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